THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.15392 of 1999

Dated : 18.04.2007

Between:

Bojja Atchamma W/o B.Atchaiah

... **PETITIONER**

And:

The Mandal Revenue Officer, Vakadu Mandal,
Nellore Distroct.

....**RESPONDENT**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.15392 of 1999

ORDER:

This writ petition is filed seeking a declaration that the impugned notice dated 17.05.1999 issued by the respondent is arbitrary and illegal and violative of principles of natural justice.

It is the case of the petitioner that she is the absolute owner of an extent of Acs.2.20 cents of land in Sy.No.257-P situated at Duggarajupatnam village of Vakadu Mandal in Nellore District. The petitioner intended to use the said land for pissy culture by digging ponds and therefore, engaged proclainer and tractor for digging the ponds for formation of bunds. When the work was about to be completed, the respondent issued impugned notice dated 17.05.1999 directing her to stop the work, based on the alleged complaint of the villagers of the petitioner that their lands would be affected, and also alleging that she was digging the fishponds, without getting permission from the authorities concerned.

Her grievance is that her land is surrounded by ponds and Government poramboke land, and even if she converts the said land into fish tanks, the same would not adversely affect anybody's interest and as such, the impugned notice is issued without considering the said aspects.

The respondent filed a counter stating that one Allam Seenaiah and others of Duggarajapatnam village have represented to the Revenue Divisional Officer, Gudur, stating that the petitioner and others raised prawn culture ponds by the side of the land of villagers due to which their lands would be affected. Pursuant to that the Village Administrative Officer, Duggarajapatnam was directed to stop the digging of ponds and seize the vehicles, but despite the same, the petitioner and others were clandestinely proceeding in their attempts. It is further stated that as per the Wild Life Protection Act, the petitioner has to obtain permission from the authorities concerned for carrying on either pissy culture or prawn culture, and as the petitioner has not obtained any permission, the impugned notice was issued to her.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

While issuing rule nisi, this Court granted interim suspension of the impugned notice. In the light of the same, this Court is of the view that this writ petition can be disposed of directing the petitioner to offer explanation to the impugned notice explaining as to whether she has any permission to dig the fish ponds, and on receipt of such explanation, the respondent shall consider the same and pass appropriate orders in accordance with law.

With the above direction, the writ petition is disposed of. However, it is made clear that till the explanation of the petitioner is

considered and appropriate orders are passed, the parties are hereby directed to maintain status quo obtaining as on today.

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18.04.2007

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